



| <u>Israel</u>         | <u>Defense</u>           | <u>Forces</u>  |
|-----------------------|--------------------------|--|
| In the Military Court | Court File:              | 3251/02  |
| Beit El               | Prosecution File:        | 241/02   |
| Before a Panel        | Detailed Incident Files: | 39/02 Binyamin<br>7915/01 Zion<br>481/01 Zion<br>8379/01 Zion<br>502/02 Zion |

**In the case between the Military Prosecutor – Prosecuting**

- v. -

**Mohamed Sami Ibrahim Abdullah**

Identity No. 979469954, born May 4, 1974, resident of Bir Nabala  
Under arrest since February 20, 2002

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Military Appeals  
Court  
Judea and Samaria

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**- the Defendant -**

**AMENDED INDICTMENT**

**The above named Defendant is hereby accused of committing the following offenses:**

**First Count:**

**Nature of the Offense:** Membership in an unlawful association, an offense pursuant to Regulations 84(1)(a) and 85(1)(a) of the Defense Regulations (Time of Emergency), 1945.

**Details of the Offense:** The above named Defendant, within the Area, from the middle of 2001 and up to the date of his arrest, was a member of acted as a member of an unlawful association, specifically:

The above named Defendant, during the said period, was a member of a military cell, which set itself the goal of carrying out terrorist attacks against Israeli civilians, both within the Area and outside it. The Defendant was active in the said military cell together with Mohamed Abed Rahman Salem Maslah (known as "Abu Satha"), Hussam Akal Rajib Shahada, Fares Sadeq Mohamed Ghanem (known as "Al-Hitawi"), Hitham al-Muthafaq Hamdan, Zidan al-Badawi, Nizar Wahdan and Ali Alian.

[Stamp] P 6: 64

The Defendant was active in the said military cell, as will be described in the following counts of the indictment.

1

Prosecution File 241/02 Amended

[Stamp] P 6: 64 [continued]

2

**Second Count: (Detailed Incident File 7915/01 Zion)**

**Nature of the Offense:** Intentionally causing death, an offense pursuant to Section 51(a) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Section 14(a) of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

**Details of the Offense:** The above named Defendant, both within and outside the Area, on September 15, 2001, or thereabouts, intentionally caused the death of another person, specifically:

1. The above named Defendant, at the said time, in Ramallah, met with Hussam Akal Rajib Shahada, Fares Sadeq Mohamed Ghanem (known as "Al-Hitawi"), Hitham al-Muthafaq Hamdan and Ali Alian. Hussam Shahada came to the said meeting armed with an MP-5 submachine gun, which he, together with Fares Ghanem, had received from Mohamed Abed Rahman Salem Maslah (known as "Abu Satha") for the purpose of carrying out a shooting terrorist attack, while Hitham Hamdan came armed with a revolver.
2. The Defendant and his above named comrades decided to leave for Jerusalem and carry out a shooting terrorist attack there with the aim of causing the deaths of Israeli civilians.
3. At around 10:00 p.m., on September 15, 2001, the Defendant and all of his above named comrades traveled from Ramallah to Jerusalem in Fares Ghanem's Isuzu van.
4. Fares Ghanem drove the above mentioned Isuzu and traveled together with the Defendant and his comrades so as to show them a place at which to carry out the planned shooting terrorist attack, and also to show the Defendant and his comrades how to escape following execution of the said terrorist attack. Fares Ghanem drove the Defendant and his comrades to Road No. 9 connecting the neighborhoods of Ramot and French Hill in Jerusalem. Fares Ghanem showed the Defendant and his comrades where to carry out the planned terrorist attack and how to escape thereafter. At the end of the said reconnaissance, the Defendant and his above named comrades returned to Ramallah.
5. At around 10:30 p.m., on that same day, the Defendant, together with Hussam Shahada and Hitham Hamdan, drove in a gray stolen vehicle with Israeli license plates, provided to them by Ali Alian for the purpose of carrying out the planned terrorist attack (hereinafter: the Vehicle) Fares Ghanem drove ahead of the Defendant in the above mentioned Isuzu, so as to inform the Defendant and his comrades by cellular phone of police and Israel Defense Forces checkpoints.

[Stamp] P 6: 65



6. The Defendant drove the above mentioned vehicle, alongside him sat Hussam Shahada, armed with an MP-5 submachine gun, and in the back seat sat Hitham Hamdan, armed with a revolver.
7. The Defendant and his above named comrades stopped on Road No. 9, adjacent to the intersection leading to the Ramat Shlomo neighborhood, and waited for a lone Israeli vehicle to arrive there with the aim of carrying out a shooting terrorist attack toward it and causing the deaths of the vehicle's passengers.
8. Some minutes later, at around 11:10 p.m., a white Renault Express, license plate number 2273706 (hereinafter: the Renault), arrived there, having driven from the direction of the Ramat Shlomo neighborhood, and it turned into Road No. 9 in the direction of the Ramot neighborhood.
9. The Defendant began driving after the Renault and overtook it.
10. When the Vehicle driven by the Defendant was traveling parallel with the Renault, Hussam Shahada and Hitham Hamdan opened fire with the MP-5 submachine gun and the revolver on the passengers of the Renault with the aim of causing their deaths.
11. A number of rounds fired by Hussam Shahada and Hitham Hamdan struck the Renault and the two passengers of the Renault – Moshe Weiss and the late Meir Weissboiz [sic]. The Defendant heard one of the passengers of the Renault cry out, "Ay ay."
12. Subsequently the Defendant continued driving in the direction of the Ramot neighborhood, and near the site where a new bridge is being built he turned right onto a dirt road leading to Bir Nabala.
13. Before the entrance to Bir Nabala, the Defendant and his comrades who were with him in the vehicle met with Fares Ghanem, who was waiting for them there in his Isuzu. From there the Defendant and his above named comrades, together with Fares Ghanem, continued on their way to Bir Nabala, and subsequently fled to Ramallah.
14. By his actions as described above, the Defendant intentionally caused the death of the late **Meir Weissboiz** [sic], who died in the hospital later that day as a result of being struck by the rounds fired by the Defendant's comrades.

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2

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[Stamp] P 6: 65 [continued]

**Third Count: (Detailed Incident File 7915/01 Zion)**

**Nature of the Offense:** Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Sections 14(a) and 19 of the Rules of Liability for an Offense Order (Judea and Samaria (No. 225), 5728-1968.

**Details of the Offense:** The above named Defendant, both within and outside the Area, on September 15, 2001, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, at the said time, at around the hour of 11:10 p.m., at the location described in previous count of the indictment, by his actions as stated in the previous count of the indictment, attempted to intentionally cause the death of Moshe Weiss, who was driving his vehicle, a white Renault Express, license plate number 2273706, described in the previous count of the indictment. One of the rounds fired by the Defendant's comrades, as described in the previous count of the indictment, struck Moshe Weiss's head and wounded him.

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Judea and Samaria

**Fourth Count: (Detailed Incident File 481/01 Zion)**

**Nature of the Offense:** Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Sections 14(a) and 19 of the Rules of Liability for an Offense Order (Judea and Samaria (No. 225), 5728-1968.

**Details of the Offense:** The above named Defendant, both within and outside the Area, on October 3, 2001, or thereabouts, attempted to intentionally cause the death of another person, specifically:

1. The above named Defendant, early in October 2001, in or near Ramallah, together with Mohamed Abed Rahman Salem Maslah (known as "Abu Satha"), Hussam Akal Rajib Shahada, and Fares Sadeq Mohamed Ghanem (known as "Al-Hitawi"), decided to carry out a shooting terrorist attack with the aim of causing the deaths of Israeli civilians.

[Stamp] P 6: 66



2. For the purpose of carrying out the planned terrorist attack, the Defendant received from Tarek Malahi A-Nuf a gray stolen Mazda 323 with Israeli license plates. For the purpose of carrying out the planned shooting terrorist attack, Mohamed Maslah received from Ahmed Barghouti, bodyguard to Marwan Barghouti, head of the Fatah Tanzim in the region an unlawful association, an MP-5 submachine gun.
3. On October 3, 2001, the Defendant, driving the above mentioned Mazda, left from Ramallah in the direction of Jerusalem, with the aim of carrying out the planned shooting terrorist attack there. Mohamed Maslah traveled together with the Defendant, armed with the above mentioned MP-5 submachine gun.
4. Fares Ghanem and Hussam Shahada traveled in Fares Ghanem's Isuzu van in front of the Mazda in which the Defendant was traveling, for the purpose of informing him of police and Israel Defense Forces checkpoints on the way. The Defendant and all of his above named comrades arrived at the new Beit Hanina [neighborhood] in Jerusalem. There the Defendant parked the Mazda, and together with Mohamed Maslah concealed the above mentioned MP-5 submachine gun within the vehicle. The Defendant and Mohamed Maslah got into the Isuzu and from there continued in the Isuzu together with Fares Ghanem and Hussam Shahada in the direction of the Begin Road.
5. The Defendant and his above named comrades came to the Begin Road. There, Fares Ghanem showed the Defendant and his other comrades where to carry out the planned shooting terrorist attack and how to escape after execution of the shooting terrorist attack. The Defendant and his above named comrades decided to carry out the planned shooting terrorist attack in the first tunnel on the Begin Road from the direction of Ramot, so that the sounds of gunfire would not be heard. Subsequently, the Defendant and all his above named comrades returned to Beit Hanina, to where the Mazda had been left.
6. The Defendant got into the Mazda; alongside him sat Mohamed Maslah, armed with the MP-5 submachine gun. From there the Defendant drove the Mazda to the Begin Road with the aim of carrying out the planned shooting terrorist attack there and causing the deaths of Israeli civilians.
7. The Defendant and Mohamed Maslah traveled up and down the Begin Road a number of times, looking for a lone Israeli vehicle, with the aim of carrying out the planned shooting terrorist attack against it, for causing the deaths of the vehicle's passengers

[Stamp] P 6: 66 [continued]

8. At around 11:35 p.m., as they were traveling in a northerly direction, in the last tunnel in the direction of their journey, the Defendant and Mohamed Maslah noticed a Honda Accord, license plate number 1103217, traveling on the Begin Road in a northerly direction. In the Honda were traveling Tony Amiel, Pini Maimon and Pazit Maimon.
9. The Defendant overtook the above mentioned Honda. When the Defendant was traveling parallel with the above mentioned Honda, Mohamed Maslah fired one bullet from the MP-5 submachine gun, which he was holding, at the passengers of the Honda, with the aim of causing their deaths. The round fired by Mohamed Maslah did not strike the above mentioned Honda.
10. After carrying out the said shooting terrorist attack, the Defendant and Mohamed Maslah continued their journey in the direction of Road No. 9 which connects the Ramot and French Hill neighborhoods.

3

Prosecution File 241/02 Amended

[Stamp] P 6: 66 [continued]

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**Fifth Count: (Detailed Incident File 8379/01 Zion)**

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**Nature of the Offense:** Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Sections 14(a) and 19 of the Rules of Liability for an Offense Order (Judea and Samaria (No. 225), 5728-1968.

**Details of the Offense:** The above named Defendant, both within and outside the Area, on October 3, 2001, or thereabouts, attempted to intentionally cause the death of another person, specifically:

1. After the Defendant, together with Mohamed Abed Rahman Salem Maslah (known as "Abu Satha"), carried out the shooting terrorist attack as described in the previous count of the indictment, the two continued on their journey in the Mazda, described in the previous count of the indictment, in the direction of Road No. 9, which connects the Ramot and French Hill neighborhoods, with the aim of getting from there to Beit Hanina, and subsequently to Ramallah.
2. During that journey, Mohamed Maslah, at the Defendant's request, checked the working condition of the MP-5 submachine gun, which he was holding, and also fired a number of bullets into the air.
3. During the journey on the said Road No. 9, at around 11:45 p.m., the Defendant and Mohamed Maslah noticed a Skoda, license plate number 6567709, travelling on Road No. 9 in the direction of French Hill. Traveling in the said Skoda were Malka Cohen and Pinhas Cohen.
4. The Defendant and Mohamed Maslah decided to carry out a shooting terrorist attack against the said Skoda, and to cause the deaths of its passengers.
5. The Defendant, who, as stated, was driving the Mazda, overtook the Skoda.
6. When the Defendant was driving parallel with the above mentioned Skoda, Mohamed Maslah fired a number of shots with the MP-5 submachine gun at the above mentioned Skoda, with the aim of causing the deaths of the Skoda's passengers.
7. A number of rounds fired by Mohamed Maslah struck the Skoda. Two rounds fired by Mohamed Maslah struck Pinhas Cohen and a further round struck Malka Cohen.

[Stamp] P 6: 67



8. Pinhas Cohen was moderately wounded from being hit by two rounds in his abdomen, while Malka Cohen, who was in her 28th week of pregnancy, was moderately wounded by being struck by a round in her head.
9. After carrying out the said shooting terrorist attack, the Defendant and Mohamed Maslah continued their journey in the direction of French Hill, and from there they reached New Beit Hanina. There the Defendant and Mohamed Maslah parked their vehicle, and made telephone contact with Hussam Akal Rajib Shahada and Fares Sadeq Mohamed Ghanem (known as "Al-Hitawi"), who arrived there in Fares Ghanem's Isuzu, to pick up the Defendant and Mohamed Maslah, in line with the plan stated in the previous count of the indictment.
10. The Defendant and Mohamed Maslah concealed the MP-5 submachine gun in the Isuzu, and got into the Isuzu.
11. The Defendant and his three above named comrades attempted to return from Jerusalem to Ramallah, but were not able to do so because of Israel Defense Forces and police checkpoints. The Defendant and his above named comrades stayed over with Yassir Abu al-Khatib, a friend of Hussam Shahada's, in the New Beit Hanina [neighborhood] in Jerusalem.
12. The following day, October 4, 2001, the Defendant returned in the above mentioned Mazda to Ramallah, and returned the vehicle to Tarek a-Nuf.

**Sixth Count: (Detailed Incident File 39/02 Binyamin)**

**Nature of the Offense:** Intentionally causing death, an offense pursuant to Section 51(a) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Section 14(a) of the Rules of Liability for an Offense Order (Judea and Samaria) (No. 225), 5728-1968.

**Details of the Offense:** The above named Defendant, in the Area, on January 15, 2002, or thereabouts, intentionally caused the death of another person, specifically:

1. On January 14, 2002, Raed Karmi, a senior military operative in the Fatah organization's Tanzim, which is an unlawful association, was killed. As a result of the death of the said Raed Karmi, the head of the Tanzim in the Area, Marwan Barghouti, opened a mourners' tent in El-Bireh.

[Stamp] P 6: 67 [continued]

2. On January 15, 2002, the Defendant came to the mourners' tent, and there met with Mohamed Abed Rahman Salem Maslah (known as "Abu Satha"), Fares Sadeq Mohamed Ghanem (known as "Al-Hitawi"), Tarek Malahi A-Nuf, Zidan al-Badawi, and Ahmed Barghouti (known as "Al-Fransi"), who was the bodyguard of the above named Marwan Barghouti. The said Ahmed Barghouti informed the Defendant and above named comrades that Marwan Barghouti, head of the Fatah Tanzim in the Area, wanted the Defendant and his comrades to carry out, immediately, a terrorist attack in revenge for the death of the said Raed Karmi, and cause the deaths of Israeli civilians.

3. The Defendant and his above named comrades decided to carry out, that very evening, a terrorist attack at the Givonim gas station on Road 443, near the entrance to Givat Ze'ev, and cause the deaths of Israeli civilians.
4. In the evening of that day, January 15, 2002, the Defendant left the above mentioned mourners' tent together with Fares Ghanem. The Defendant and Fares Ghanem traveled in Fares Ghanem's Isuzu van to the above mentioned gas station with the aim of carrying out the planned shooting terrorist attack there. Zidan, armed with a Model-16 pistol, Mohamed Maslah, armed with another handgun, and Tarek a-Nuf, armed with an MP-5 submachine gun, traveled behind the said Isuzu. The three traveled in a light brown Mazda toward the above mentioned gas station, with the aim of carrying out the planned terrorist attack there.
5. The Defendant and all his above named comrades reached the dirt mound blocking the exit from the villages of Bir Nabala and el-Jib to Road 443, at a distance of about 100 meters from the Givonim gas station. The Defendant and comrades parked their vehicles, the Isuzu and the Mazda, facing in the direction of the village of Bir Nabala, so as to flee from the scene immediately after carrying out the planned terrorist attack.
6. Mohamed Maslah, armed with his Model-14 handgun, Zidan, armed with the Model-16 handgun, and Tarek a-Nuf, armed with the MP-5, got out of the vehicles and walked to the above mentioned gas station with the aim of carrying out the planned shooting terrorist attack there and causing the deaths of Israeli civilians.
7. The Defendant and Fares Ghanem remained in the said vehicles to watch out for the arrival of an Israel Defense Forces patrol or other people. the Defendant sat in the driver's seat in the Mazda, so as to be able to immediately get his three comrades, who had gone to carry out the planned terrorist attack, immediately after executing the terrorist attack.
8. Tarek a-Nuf and Mohamed Maslah positioned themselves at the entrance to the above mentioned gas station. Some minutes later, at around 7:45 p.m., Mohamed Maslah and Tarek a-Nuf noticed a white Fiat Uno, license plate number 6424905, entering the gas station, driven by the late Yoela Chen, alongside of whom was Rachelle (Rachel) Eini. Tarek a-Nuf and Mohamed Maslah approached the Fiat with the aim of carrying out a shooting terrorist attack toward it and causing the deaths of the vehicle's passengers. The passengers in the Fiat noticed the handgun held by Mohamed Maslah and began to scream

[Stamp] P 6: 68



and sound the horn. Mohamed Maslah put the handgun in his pants and told the passengers in the vehicle not to be afraid. At this stage, Tarek a-Nuf opened fire on the Fiat's passengers, on automatic, with the MP-5 submachine gun, with the aim of causing their deaths. Then Mohamed Maslah again took the handgun out, and commenced firing at the vehicle's passengers, with the aim of causing their deaths.

9. Mohamed Maslah and Tarek a-Nuf fired a large number of bullets, at very close range, at the late Yoela Chen and Rachelle (Rachel) Eini, who were in the above mentioned Fiat.
10. About 28 rounds, fired by Tarek a-Nuf and Mohamed Maslah, struck the front windshield of the vehicle, a number of rounds struck the side of the vehicle and the driver's side window.
11. During the course of the shooting terrorist attack described, Zidan, who stood a short distance behind Mohamed Maslah and Tarek a-Nuf, served as guard to warn them.
12. Fares Ghanem, immediately upon hearing the sounds of gunfire, drove from there in his Isuzu, in order to inform the Defendant and his comrades whether there were checkpoints on the road to Ramallah.
13. Tarek a-Nuf, Zidan and Mohamed Maslah, after having carried out the shooting terrorist attack as stated above, ran to return to the Mazda in which the Defendant was waiting. After the above named three got into the vehicle, the Defendant drove them to Ramallah. In Ramallah, the Defendant, Tarek a-Nuf, Mohamed Maslah and Zidan met with Fares Ghanem.
14. By his action described above, the Defendant intentionally caused the death of the late **Yoela Chen**, who died on the scene as a result of being struck by the rounds fired by Tarek a-Nuf and Mohamed Maslah.

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**Seventh Count: (Detailed Incident File 39/02 Binyamin)**

**Nature of the Offense:** Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Sections 14(a) and 19 of the Rules of Liability for an Offense Order (Judea and Samaria (No. 225), 5728-1968.

[Stamp] P 6: 68 [continued]

**Details of the Offense:** The above named Defendant, in the Area, on January 15, 2002, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, on the said date, at around 7:45 p.m., in the place described in the previous count of the indictment, by his action as stated in the previous count of the indictment, attempted to intentionally cause the death of Rachelle (Rachel) Eini, who was traveling in a white Fiat Uno, license plate number 6424905, as described in the previous count of the indictment. One of the rounds fired by the Defendant's comrades, as described in the previous count of the indictment, struck the head of Rachelle (Rachel) Eini, and two other rounds struck her left shoulder and moderately wounded her.

5

Prosecution File 241/02 Amended

[Stamp] P 6: 68 [continued]

**Eighth Count: (Detailed Incident File 502/02 Zion)**

**Nature of the Offense:** Intentionally causing death, an offense pursuant to Section 51(a) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970, and Section 14(a) of the Rules of Liability for an Offense Order (Judea and Samaria (No. 225), 5728-1968.

**Details of the Offense:** The above named Defendant, both within and outside the Area, on January 22, 2002, or thereabouts, intentionally caused the death of another person, specifically:

1. In the middle of January 2002, Fares Sadeq Mohamed Ghanem (known as "Al-Hitawi") called the Defendant. Fares Ghanem informed the Defendant that Ahmed Barghouti (known as "Al-Fransi"), bodyguard of Marwan Barghouti – head of the Fatah Organization's Tanzim, which is an unlawful association, wanted to get a terrorist into Jerusalem, to carry out a suicide terrorist attack in Jerusalem with the aim of causing the deaths of as many civilians as possible. The Defendant consented to participate by transporting the above mentioned suicide terrorist to Jerusalem.
2. On January 22, 2002, Fares Ghanem called the Defendant and informed him that Ahmed Barghouti had spoken with him and informed him that the suicide terrorist who was to carry out the planned terrorist attack was ready, and had to be gotten into Jerusalem. The Defendant again agreed to participate in executing the planned terrorist attack.
3. Later on that day, the Defendant and Fares Ghanem met in Ramallah. Fares Ghanem came to the meeting in his Isuzu van with Israeli license plates.
4. The Defendant and Fares Ghanem traveled in the said Isuzu from Ramallah to Jerusalem so as to find a road without police or Israel Defense Forces checkpoints, so as to later transport the suicide terrorist, who was to carry out the planned terrorist attack in Jerusalem, by the same route.
5. The Defendant and Fares Ghanem drove from Ramallah via Rafat and arrived at the Atarot Industrial Zone, where the two returned to the main Jerusalem-Ramallah road and turned left toward the junction leading to the Rama camp, there they turned right and traveled to Adam Junction. At Adam Junction the Defendant and his comrade turned right and traveled to Hizme Junction, where they turned right and entered Anata. Through Anata, the

[Stamp] P 6: 69